

Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MELISSA GANNON,

Plaintiff,

v.

GEICO ADVANTAGE INSURANCE
COMPANY,

Defendant.

No. 3:24-cv-05420-BJR

**STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL AND AMEND
CASE SCHEDULE BY 90 DAYS**

I. STIPULATED MOTION

The parties, by and through their undersigned counsel of record, have conferred and hereby stipulate and jointly request that the Court continue the trial date and amend the case schedule (ECF No. 15) by 90 days pursuant to Fed. R. Civ. P. Rule 6 and LCR 10(g).

II. LEGAL AUTHORITY

A. Applicable Legal Standard

A [case] schedule may be modified only for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(6) ("A schedule may be modified only for good cause and with the judge's consent."). The decision to modify a scheduling order is within the broad discretion of the district court. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992).

1 **B. Good Cause Exists to Extend the Trial Date and Pre-Trial Deadlines**

2 Good cause exists for a continuance. On November 25, 2024, Geico propounded its first
3 set of interrogatories and requests for production to Plaintiff in order to obtain further
4 information regarding the subject accident, Plaintiff's alleged injuries and treatment, and the
5 factual basis for Plaintiff's claims. Due to Plaintiff's counsel's trial schedule, Plaintiff was
6 unable to provide responses until January 28, 2025. Further, Plaintiff intends to supplement this
7 discovery and has agreed to execute a HIPAA waiver so that Geico may obtain Plaintiff's
8 medical records for consideration. Geico received Plaintiff's executed HIPAA waiver on March
9 31, 2025. Plaintiff has additionally requested the parties enter into a Stipulated Protective Order
10 for Plaintiff's medical records. The Parties are currently discussing the scope of the Protective
11 Order and anticipate filing a Stipulation with the Court within the next few days. Plaintiff's
12 medical records are additionally voluminous and exceed the amount standard in motor vehicle
13 accidents.

14 Additionally, as a result of Plaintiff's written discovery responses, Geico has identified
15 intended expert witnesses and is in the process of retaining the necessary experts. Geico
16 anticipates it may request Plaintiff submit to an Independent Medical Examination as Plaintiff
17 alleges the need for further treatment. Plaintiff also intends to conduct further discovery. Ms.
18 Gannon currently works for a classified department within Boeing and as a result of her work
19 schedule, anticipates needing more time to find a mutually agreeable date for the Independent
20 Medical Examination. Plaintiff also intends to designate additional experts but has had trouble
21 contacting these individuals.

22 In light of the foregoing, good cause exists for a continuance. Currently, the deadline to
23 produce Expert Testimony under FRCP 26(a)(2) April 28, 2025, and the deadline for the

completion of Discovery is May 29, 2025, 2025. As discussed above, both parties believe they require additional time to conduct discovery, retain experts and conduct depositions of both lay and the disclosed expert witnesses depositions. Further, the deadline to file dispositive motions is currently June 26, 2025. As the parties jointly require further discovery, neither party is able to properly and meaningfully prepare dispositive motions by this deadline.

As this request is being made jointly by the parties, a short extension presents no prejudice to either party. Instead, a brief extension provides both parties the benefit of fully investigating the claims and defenses in this action in the spirit of the discovery process.

In light of both parties' desire to conduct more discovery, retain experts and obtain information regarding the matter in order to compose dispositive motions, good cause for a continuance exists. An amendment to the case schedule would allow the parties to conduct discovery, produce all necessary expert and rebuttal testimony, and consider any potential discovery motions. For these reasons, the parties respectfully move the Court to amend the case schedule and extend the trial date in this matter as follows:

EVENT	CURRENT DATE	PROPOSED DATE
Reports from expert witnesses under FRCP 26(a)(2) due	April 28, 2025	July 28, 2025
Discovery completed by	May 29, 2025	August 27, 2025
All dispositive motions must be filed by	June 26, 2025	September 24, 2025
All motions <i>in limine</i> must be filed by	September 15, 2025	December 15, 2025
Joint Pretrial Statement	October 27, 2025	January 26, 2026
Pretrial Conference	November 10, 2025	February 9, 2026
Trial Date	December 1, 2025	February 23, 2026

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DATED this 1st day of April 2025.

LEGAL RESOLUTIONS PLLC

/s/ Josias Flynn

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Company*

III. ORDER

The Court having reviewed the above Stipulated Motion, it is hereby ORDERED that the case schedule is amended as follows:

EVENT	DATE
Reports from expert witnesses under FRCP 26(a)(2) due	July 28, 2025
Discovery completed by	August 27, 2025
All dispositive motions must be filed by	September 24, 2025
All motions <i>in limine</i> must be filed by	December 15, 2025
Joint Pretrial Statement	January 26, 2026
Pretrial Conference	February 9, 2026
Length of Jury Trial	5 Days
Trial Date	February 23, 2026

DATED this 18th day of April 2025.



THE HONORABLE BARBARA J. ROTHSTEIN

Presented By:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the United States of America that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the following party(ies):

Josias Flynn, WSBA No. 44130
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Counsel for Plaintiff

By: ☐ **First Class Mail** ☒ **Email/ECF** ☐ **Legal Messenger**

DATED this 1st day of April 2025 at Seattle, Washington.

/s/ Jessica Bowman
Jessica Bowman | Paralegal